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C O N F I D E N T I A L SECTION 01 OF 02 YEREVAN 000754

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TAGS: [PGOV](#) [PHUM](#) [AM](#)

SUBJECT: LAWYERS: DEATH IN CUSTODY CASE PROCEEDING FAIRLY

REF: A) YEREVAN 649 B)YEREVAN 713

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Classified By: Polchief Steve Banks for reasons 1.4 (b, d).

SUMMARY

11. (C) Lawyers for defenestrated businessman Levon Ghulyan told us June 6 that the case seemed to be proceeding fairly, and that they did not have any concerns regarding the pre-investigation process thus far. Results of an independant autopsy by international experts are still not available, however, and the lawyers have raised serious questions regarding whether Ghulyan was being legally interrogated. END SUMMARY.

REASON FOR RESIGNATION OF INITIAL LEGAL TEAM UNCLEAR

12. (C) Lawyers Aram Karakhanyan and Hrayr Ghukasyan have been on the case since May 16. The previous legal team of three members quit for reasons that are not clear (ref A). Ghukasyan said he had no idea whether those lawyers had been pressured to step down. We had earlier raised with authorities the statute under which the prosecutor had chosen to investigate the case -- a provision that criminalizes "inducement to suicide" (reftels) rather than a homicide inquiry. The Ghulyan family's lawyers allowed, cautiously, that obviously unnatural deaths were more typically investigated as homicides, but noted it was possible the prosecutor would change the applicable statute in the course of the investigation.

PROCEDURAL MATTERS CLARIFIED

13. (C) The case is currently in the pre-investigation stage, which began May 12 and can last for up to two months. Ghukasyan told us that the Yerevan prosecutor can extend the pre-investigation stage for an additional two month period and that extensions can be repeated indefinitely. The pre-investigation can end in one of two ways: either it is suspended due to a determination that no crime occurred, or defendants are identified and the case is sent to the court.

AUTOPSY RESULTS AND FAMILY CONCERNS

14. (C) The Ghulyan lawyers told us they still have not received the results of the international experts' autopsy, but that they expect them shortly. Ghukasyan told us Ghulyan,s family took issue with the government's explanation of events, which is not ruled out by local experts' forensic analysis. He said the family believes Ghulyan suffered violent injuries prior to his fall, and that he fell from a greater height than the two and a half stories in the official account. The lawyers sidestepped the question of whether they thought the autopsy report was simply in error or was the result of official deception.

15. (C) The lawyers also told us Ghulyan was questioned illegally prior to his death. Ghulyan was questioned extensively under two different jurisdictions (ref A) without a lawyer present. By law, a witness being questioned has the right to have legal counsel present; however, according to the lawyers, the government has avoided using the term "questioning," instead saying Ghulyan was brought in to "confer." When asked more generally about the fairness of the case, the lawyers said they had no reason to term the proceedings thus far "unfair." However, they said they did not rule out the possibility that problems would crop up in the future.

COMMENT

16. (C) The lawyers were clearly unwilling to tell us too much. They did not seem to be operating under government pressure or threat, but rather appeared simply not to fully trust us. We will maintain close contact with them for updates on the case, and hope in time they will grow comfortable enough to be more fully forthcoming, but in the meantime we will continue to pursue other avenues of information.

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GODFREY